



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 45-10 – Board for Branch Pilots Public Participation Guidelines Department of Professional and Occupational Regulation September 7, 2001

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 9-6.14:7.1.G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1.G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

The Board for Branch Pilots (board) proposes to modify its public participation guidelines to allow the board to accept requests to be placed on the public participation notification list via electronic means, and to send regulatory notifications to list members electronically. Currently, only written requests and mailed notifications are permitted. In addition, the board proposes to add language specifying that when electronic notifications are returned as undeliverable, individuals and organizations will be deleted from the list.

Estimated Economic Impact

Under the Administrative Process Act, all state agencies that promulgate regulations are required to maintain public participation mailing lists containing the names of all parties that

have registered an interest in a particular regulation. Membership on these lists typically includes members of the regulated community, public interest groups, law firms, and individual citizens with an interest in a particular area of regulation.

There are no clear disadvantages associated with allowing interested parties to use electronic communication rather than mail for joining the notification list and for receiving notifications. Individuals may choose to remain on the traditional mailing lists, which will continue to be maintained by the Board. If electronic notification and comment becomes more prevalent, there would be a reduction in printing and mailing costs incurred by the board. In addition to the potential fiscal benefits, these changes also allow the board to increase the speed of notification and the amount of information readily available to interested parties, which will increase efficiency and may enhance public participation.

The current regulations state, “When mail is returned as undeliverable, individuals and organizations will be deleted from the (mailing) list.” The proposed regulations state, “When mail or electronic notifications are returned as undeliverable, individuals and organizations will be deleted from the list.” Unlike physical mail, when electronic notifications are returned as undeliverable it is not necessarily an indication that the address is no longer active; servers are frequently down for short periods (one day or less). Thus, if the proposed language is implemented, there is the strong potential that individuals and organizations will be deleted from the notification list when their e-mail accounts remain active. The individuals and organizations would not be notified that they were removed from the list and would therefore be unaware that they are missing notifications of board regulatory action. The Department of Professional and Occupational Regulations will recommend to the board at their next meeting that the pertinent language be changed to “When mail is returned as undeliverable, individuals and organizations will be deleted from the list. When electronic notifications are returned as undeliverable over more than one day, individuals and organizations will be deleted from the list.” By indicating that the individuals and organizations will be deleted from the list when electronic notifications are returned as undeliverable *over more than one day*, the likelihood that individuals and organizations will be deleted from the notification list when their e-mail accounts remain active will be greatly diminished.

Businesses and Entities Affected

The proposed changes will affect individuals and organizations interested in the regulations governing individuals licensed by the Board of Branch Pilots. There are currently seven entities listed on the notification list for the board.

Localities Particularly Affected

Individuals and organizations throughout the Commonwealth could potentially be interested in the regulations governing individuals licensed by the Board of Branch Pilots. Individuals and organizations within localities along navigable Virginia waterways, particularly the James and Potomac Rivers, may have particular interest.

Projected Impact on Employment

The proposed changes to this regulation are not anticipated to have a significant effect on employment.

Effects on the Use and Value of Private Property

The proposed changes to this regulation are not anticipated to have a significant effect on the use and value of private property.